

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WESLEY D. FREE,

Plaintiff,

vs.

PATRICIA GARCIA, et al.,

Defendants.

Case No. CIV-13-48-F

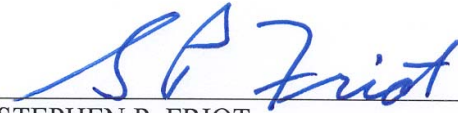
ORDER

Before the court are the Report and Recommendation of United States Magistrate Judge Charles B. Goodwin (doc. no. 27) and plaintiff's response to the Report and Recommendation. *See* doc. no. 28. Also before the court are plaintiff's motion for change of judge and venue (doc. no. 29) and motion to amend complaint (doc. no. 30).

Plaintiff's response to the Report and Recommendation is essentially a rant against the Magistrate Judge, this court, and Eleventh Amendment immunity. Nevertheless, the court has reviewed the Report and Recommendation of the Magistrate Judge de novo in light of the record herein. The court fully concurs in the findings, conclusions, and recommendations of the Magistrate Judge in his thorough Report and Recommendation. Therefore, the Report and Recommendation of the Magistrate Judge is **ADOPTED** in its entirety. Defendants' motion to dismiss (doc. no. 16) is **GRANTED**, and plaintiff's complaint is **DISMISSED** 1) without prejudice with respect to plaintiff's claims seeking monetary relief against defendants in their official capacities; 2) with prejudice with respect to plaintiff's claims against defendant Butler; 3) with prejudice with respect to plaintiff's claims seeking relief

from defendants Lawrence and Garcia for alleged constitutional violations occurring before January 11, 2011; and 4) without prejudice, and subject to the right to amend, with respect to all remaining claims against defendants Lawrence and Garcia. Plaintiff's motion for a change of judge and venue (doc. no. 29) is **DENIED**. Plaintiff's motion to amend complaint (doc. no. 30) is **REFERRED** to the Magistrate Judge for disposition. Further, this action is **REFERRED BACK** to the Magistrate Judge for all purposes stated in the original referral including further proceedings consistent with this order.

ENTERED this 27th day of February, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE